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November 18, 2002

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW,  
Washington D.C. 20554

**Re: Clarification to Sprint's Petition for Limited Reconsideration of *Declaratory Ruling* (FCC 02-121) released April 22, 2002 in *Telecommunications Relay Services And Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67.**

Dear Ms. Dortch:

On July 11, 2002, Sprint Corporation ("Sprint"), on behalf of the Telecommunications Relay Service ("TRS") operations of its subsidiary Sprint Communications Company L.P., filed a petition requesting that the Commission reconsider the above-referenced *Declaratory Ruling* in two limited respects. Specifically, Sprint asked that the Commission reverse its decision requiring pay-per-call services, *i.e.*, 900 services, to be provided as part of TRS service via the Internet ("IP Relay") as well as its decision requiring that IP Relay service include hearing carry over ("HCO") functionality. Sprint explained that at the present time and for the foreseeable future neither 900 pay-per-call services nor HCO functionality could be provided via IP Relay. Sprint's request was supported by all parties, including IP Relay providers, that filed comments on the petition. Of course, such support is hardly surprising since, based upon market tests conducted by Sprint, no provider of IP Relay is offering these features as part of its IP Relay offering.

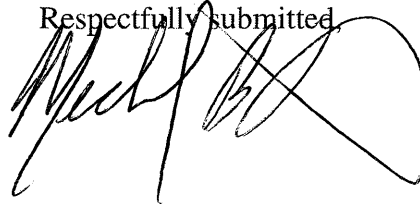
In its Petition, Sprint also explained that, absent the grant of the Sprint's reconsideration petition, Sprint and other providers of IP Relay would not be able to obtain compensation from the Interstate TRS Fund since they could not certify to the Interstate TRS Fund Administrator that they were meeting the minimum standards established by the Commission for IP Relay. Indeed, Sprint, for one, has informed the Fund Administrator that it is not offering 900 pay-per-call service or one-line HCO functionality to its IP Relay users. Thus, it has yet to receive any compensation for its provision of IP Relay.

Nonetheless, Sprint assumed that once the Commission granted Sprint's petition, it would be compensated by the Fund Administrator for its provision of IP Relay during the period prior to the effective date of the Commission Order. Sprint's assumption here was based on the belief

that because it is impossible to provide the two features at issue using IP Relay -- a fact first mentioned by Sprint in its July 30, 2001 comments on the issue of whether the Interstate TRS Fund should compensate IP Relay providers -- it would be unfair to penalize Sprint and other IP Relay providers that could not certify that they were meeting the minimum standards by denying them compensation on a retroactive basis and forcing them to absorb the costs of providing IP Relay during the past period.<sup>1</sup> Unfortunately, Sprint's assumption here may not be well-founded.

On October 30, 2002, Sprint representatives met with Commission staff to discuss Sprint's pending petition for reconsideration. A representative of the Interstate TRS Fund Administrator also participated in the meeting via conference call. *See Sprint's Ex Parte* Notification filed October 31, 2002 in this proceeding. The Fund Administrator representative informed the Commission that unless the Commission instructed otherwise, Sprint's retroactive payment would be limited to the three months immediately preceding the release of the decision. Thus, Sprint respectfully requests that if the Commission grants Sprint's unopposed reconsideration petition, it clarify that Sprint and other IP Relay providers that, like Sprint, have informed the Interstate Fund Administrator that they cannot offer 900 pay-per-call service and HCO functionality, are eligible to receive compensation for the entire past period in which such carriers offered IP Relay. As stated, this clarification is required as a matter of equity.

Respectfully submitted,




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Parties on attached service list

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<sup>1</sup> It would especially unfair if, unlike Sprint, some IP Relay providers informed the Interstate Fund Administrator that they were able to offer 900 pay-per-call services and HCO functionality as part of IP Relay and, therefore, have been receiving compensation for their provision of such service. Sprint, of course, has no solid evidence as to whether any other IP Relay provider has taken this approach and is currently being compensated by the Interstate Fund.

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **LETTER IN CC DOCKET NO. 98-67** was sent by Electronic mail or by United States first-class mail, postage prepaid, on this the 18<sup>th</sup> day of November, 2002 to the parties on the attached page.

  
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